

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRADLEY CLONAN, ET AL.,)	
)	
Plaintiff(s),)	Civil Case No. 3:24-CV-11399-RK-RLS
)	
v.)	
)	PROPOSED ORDER
)	
CENTRASTATE HEALTHCARE)	
SYSTEM/ATLANTIC HEALTHCARE)	
SYSTEM, ET AL.,)	
)	
Defendants.)	
_____)	

PROPOSED ORDER

THIS MATTER having come before the Court on Defendants' Motions to Dismiss Plaintiff's Amended Complaint (ECF Nos. 47 and 50), and the Court having considered the Amended Complaint, all moving and opposition papers, the arguments of the parties, and the entire record herein;

IT IS on this ____ day of _____, 2025, ORDERED that:

- 1) The Motions to Dismiss filed by CentraState Healthcare System/Atlantic Health System, Monmouth Medical Center/PESS, Hampton Behavioral Health Center, and all individual Defendants (ECF Nos. 47 and 50) are DENIED in their entirety.
- 2) Plaintiffs' Amended Complaint (ECF No. 29) states claims upon which relief can be granted under federal law and New Jersey law and may proceed to the next phase of this litigation.
- 3) The Court finds that, at the pleading stage, Plaintiffs have plausibly alleged state action and constitutional violations under 42 U.S.C. § 1983, violations of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and related state statutes and regulations.

- 4) Defendants' procedural and factual challenges are not grounds for dismissal at this stage, and the Court will resolve such disputes, if necessary, on a more complete factual record following discovery.
- 5) Should the Court determine any aspect of Plaintiffs' Amended Complaint to be technically deficient, such dismissal (if any) shall be without prejudice and with leave to amend pursuant to Federal Rule of Civil Procedure 15(a)(2).
- 6) Defendants shall file their answers to the Amended Complaint within 21 days of the entry of this Order.

SO ORDERED.

Hon. Robert Kirsch, U.S.D.J.

☐ Opposed ☐ Unopposed